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The Constitution and the Courts

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BOOK REVIEWS

Problems of Public Finance. By JENS P. JENSEN. New York: Thomas Y. Crowell Co. 1942. pp. 589.

This is a voluminous work on a subject which has been very much neglected by writers in political science and allied fields—a subject very important to the public. It is difficult to understand why political writers have shied from such topics so persistently. The book itself, written by a comparatively unknown writer, is an ambitious attempt to cover the entire field. It is probably, in spite of all its shortcomings, the best work on the subject that has yet been written—the best, certainly, in the sense that it attempts to and does go quite deeply into the various topics presented. It is, however, lacking in clearness of purpose and in definite outline all because it attempts to satisfy too many different classes of readers. The volume is designed for the public officer, for the professor, for the citizen interested in public matters and for the college student as well. Each class of readers requires a different mode of presentation without demanding of him too much critical readjustment of the subject matter to suit his needs. The philosophical side of the work is almost adequate to the subject. With careful revision and selection it might become one of the most used and useful books in this department. The theories advanced and those restated in the various chapters would, with a little attempt to reconcile the various topics, harmonize themselves into quite an acceptable theory of public finance. This is saying a great deal for the work, but it merits it.

From the student point of view and that of the beginner in public finance, the work is lacking in concrete examples and footnotes to bear out the statements made in the text. It is also almost entirely lacking in the mechanical cross reference apparatus and also in its failure to connect the bibliography systematically with the text of the various chapters, although there is a partial list of books at the end of each chapter. There is very little of the author displayed in the work, which leaves the treatment of the subject in a sort of formless, backboneless condition. If Jens Jensen will lean a little harder on his subject matter and re-write this treatise in simpler and more conclusive form he has a brilliant prospect of producing the best work on public finance that has yet been published.

Carl C. Plehn's earlier work is a model of simplicity and outline. It has held the field for over twenty-five years. There is definite need of a systematic, clear-cut, natural history of public finance fortified in footnote or appendix with good concrete examples of the things talked about, and of the theories utilized. The above work is a fine start toward the desired end.

CHAS. W. BABCOCK.

The Constitution and the Courts. By WILLIAM M. MEIGS and THOMAS H. CALVERT. Northport: Edward Thompson Co. 1924. Vol. I, pp. vi, 1169; Vol. II, pp. iv, 1114; Vol. III, pp. 478.

This work contains the full text of the Declaration of Independence, the Articles of Confederation, the Northwest Ordinance and the Constitution of the United States and its amendments. Following this, the reader finds the well-known, analytical index of the Constitution and its amendments covering thirty-two closely printed pages which was prepared for and printed in the *Revised Statutes*

of the United States. This is closely followed by a treatise written by William M. Meigs, of the Philadelphia Bar, entitled, *The Growth of the Constitution in the Federal Convention of 1787*. This treatise covers 188 pages and traces the origin and development of each separate clause of the constitution from its first suggestion in the convention to the form finally approved. A short chapter on Constitutional Construction and Interpretation follows the treatise by Meigs and the rest of the three volumes contain annotations of the various provisions of the constitution. The balance of the first volume and the entire second volume appear to be a reprint of the material contained in the Annotated Statutes. The annotations are in the form to which the legal profession has become accustomed. Volume three supplements these notes and brings them down to January, 1924. This volume also contains an index of 180 pages arranged in double column which greatly enhances the value of all the volumes.

The work, as the reader can gather from the statement just made, is not intended to be a scientific treatise setting forth in measured phraseology the influence which the Constitution has had on the courts and the influence which the courts have exercised on the Constitution. It mainly consists of annotations thrown together without much regard to their historical sequence and with no attempt at showing the influence which any decision abstracted may have had on the very constitutional provision which it construes. But, though the historian who refers to these volumes will probably be disappointed, they will serve a very useful purpose. By bringing together the annotations to the constitution in two volumes and bringing these annotations up to date in the third, they will serve to lighten greatly the labors of attorneys and judges in finding precedents.

The type is clear; the volumes are printed on a good grade of paper and bound in black, flexible binding. Teachers of constitutional law and attorneys with a large federal practice will find these volumes to be valuable, if not indispensable, helps in solving the various problems with which they are confronted.

CARL ZOLLMANN.

Child Labor and the Constitution. By RAYMOND G. FULLER with an Introduction by JOHN H. FINLEY. New York: Thomas Y. Crowell Company. 1923. pp. xvi, 323.

This work is a scientific presentation of the problem of child labor. It is distinguished by a constructive social program for dealing with a national problem. Mr. Fuller tells us at the outset of his work that while the amount of child labor has been much diminished in the last decade, the task of abolition is today more difficult than ever before and embraces a larger number of children. He states that a new and broader program of child-labor reform is necessary to accomplish the task of abolition. Mr. Fuller is eminently qualified in the field of social science, particularly in the field of child-labor reform; his conclusions are based strictly upon the results of practical investigations and experience.

The author points out that the child-labor problem is not a distinct and separate problem, but that it is a part of the great problem of child welfare, which, in turn, is a part of the greater problem of human welfare. On this viewpoint depends the new and broader program of child-labor reform. He defines child labor as any work of children "that deprives them of a fair start in life, in terms of health, play, education. . . ." By this he does not mean that childhood is to be unoccupied; on the contrary it is to be well occupied, and child-labor reform must recognize these two aspects of the problem and not only remove from the lives